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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,241	08/27/2003	Simon D. Seaton	HES 2003-IP-011197U1	6018
29920	7590	12/19/2005	EXAMINER	
JOHN W. WUSTENBERG P.O. BOX 1431 DUNCAN, OK 73536			DANG, HOANG C	
			ART UNIT	PAPER NUMBER
			3672	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/649,241	Applicant(s) SEATON ET AL.	
	Examiner Hoang Dang	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte et al (US 6,510,947) or Adams et al (US 2.003/0132141) in view of Echols et al (US 5,842,522), or vice versa.

Schulte et al or Adams et al disclose a shale shaker screen assembly and methods for using it to remove particulate matter from a drilling fluid being pumped into or out of a wellbore being drilled. Both Schulte et al and Adams et al teach forming the screen material used to form the shale shaker screen of 316 stainless steel (see column 8, line 29 and column 11, lines 37-42 in Schulte et al and paragraph [0035] in Adams et al). Echols et al disclose a sand control screen used in a well. Echols et al disclose that the screen material used to form the sand control screen is 316 stainless steel (column 2, lines 12-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a sand control screen as taught by Echols et al in the wellbore of Schulte et al or Adams et al when the well is placed in production to prevent the production of sand as taught by Echols et al (see column 1, lines 13-29).

Alternatively, it would also have been obvious to use a shale shaker screen as taught by Schulte et al or Adams et al during the drilling operation to drill the wellbore of Echols et al in order to remove solids from the drilling mud to minimize wear on mud pumps and other

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mechanical equipment used for drilling (see column 1, lines 35-55 in Schulte et al and Paragraph [0011] in Adams et al).

It is noted that since the screen material of Echols et al the screen material of Schulte et al and Adams et al is 316 stainless steel, the shale shaker screen of Schulte et al and Adams et al is formed of the same type of screen material used to form the sand control screen as recited.

Regarding claims 10, 14, 17, 21 and 22, one of ordinary skill in the art would have readily recognized that the selected pore size of a screen depends on the nature of the formation and would have been obvious.

The remaining claims read exactly on at least one of the applied references.

Response to Arguments

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the following features upon which applicant relies are not recited in the rejected claim(s):

- (1) a shale shaker screen or vibrating screen that is "formed of the same screen used to form the downhole sand control screen" where such screen is "formed of a plurality of layers of screens that have been diffusion-bonded together" (page 2, last paragraph);
- (2) a shale shaker screen or "vibrating screen" that is "formed of the same screen as used in a "downhole control screen" where the "downhole control screen" is formed of a plurality of layers of screens" (page 3, lines 9-14 and 19-22); and
- (3) a "downhole sand control screen formed of a plurality of layers of screens that have been diffusion-bonded together" (page 4, lines 1-4 and 19-22.)

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Contrary to applicant's argument, Echols et al teach using their sand control screen in a well when the well is put on production to prevent the production of sand (column 1, lines 13-29). Schulte et al or Adams et al teach using their shale shaker screen during the drilling of a borehole in order to remove solids from the drilling mud to minimize wear on mud pumps and other mechanical equipment used for drilling operation (column 1, lines 35-55 in Schulte et al and Paragraph [0011] in Adams et al). The above-mentioned advantages provide one of ordinary skill in the art the motivation to combine.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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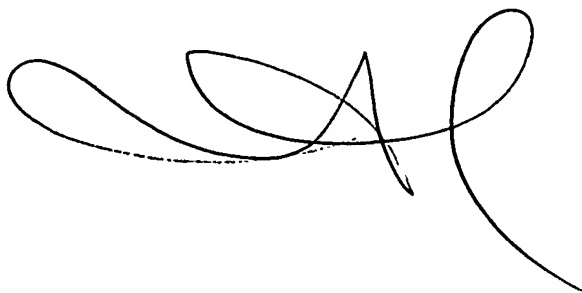
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 571-272-7028. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoang Dang
Primary Examiner
Art Unit 3672

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned below the printed name of the examiner.